

U.S. DISTRICT COURT - N.D. OF N.Y.

FILED

JUN 16 2025

AT \_\_\_\_ O'CLOCK  
John M. Domurad, Clerk - Syracuse

Civil Case No.: 9:24-cv-00749

(ECC/mJK)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

Wayne R. Smith Plaintiff(s)  
 vs.  
 Reitan et al Defendant(s)

CIVIL  
RIGHTS  
COMPLAINT  
PURSUANT TO  
42 U.S.C. § 1983

Plaintiff(s) demand(s) a trial by:  JURY  COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows:

## JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1333(3) and (4) and 2201.

## PARTIES

2. Plaintiff: Wayne R. Smith 24-B-3346  
 Address: Collins Correctional Facility  
 Middle Rd PoBox 340  
 Collins N.Y. 13034

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: Oneida County  
 Official Position: County of Oneida  
 Address: Oneida County Office Building  
 800 Park Ave  
 Utica NY 13501

b. Defendant: Tyler Pelton  
Official Position: Correctional Officer  
Address: Rome Police Department  
301 N. James St  
Rome NY 13440

c. Defendant: Anthony Papa Badge # 233  
Official Position: Correctional Officer  
Address: Oneida County Jail  
6075 Judd Rd  
Oriskany NY 13424

Additional Defendants may be added on a separate sheet of paper.

(See attachment for additional  
FACTS      Defendant)

4.

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

**Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).**

On April 6, 2024 I was brought to the Oneida County Jail on assault charges. Upon entering the Booking Department I was verbally abused as to why I was brought into custody. I was falsely accused and ridiculed by the above mentioned correctional officers to the point where they worked themselves up to start to be aggressive towards me.

(See attached to continue)

5.

**CAUSES OF ACTION**

**Note: You must clearly state each cause of action you assert in this lawsuit.**

**FIRST CAUSE OF ACTION**

Excessive force

**SECOND CAUSE OF ACTION**

Failure to protect

**THIRD CAUSE OF ACTION**

6. PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

I am seeking \$1,000,000 for the physical and mental abuse. I am seeking this because of the ongoing nightmares and facial scars I have from the assault

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 06/10/2025

Wayne R. Smith 24-B-3346  
Wayne

Signature of Plaintiff(s)  
(all Plaintiffs must sign)

02/2010

3. d. Defendant: Kyle Toepp Badge #542  
Official Position: Correctional Officer  
Address: Oneida County Jail  
6075 Judd Rd  
Oriskany, NY 13424

4. (Continued from current page)

I was heavily sedated from my previous visit/stop at the Emergency Room @ Wynn Hospital where I was brought by Whitesboro Police. Upon entering a holding cell I was asked to undress. I was already having trouble walking and asked for assistance. I was then thrown onto the ground and physically abused, beaten, and kicked in the groin. I was beat until I lost consciousness. While unconscious I was brought to and put into what they call a strip cell where I was held for several days. For the first 3 days I was not fed or provided with fresh water or medically attended to. After several days I was finally given clothes and put in SAI status which is what they call the box and was not allowed the privileges of a general population inmate. Every other day

I was locked in my cell for 26 hours straight. My visitors were turned away. I didn't break any facility rules to be placed in such an environment

I cannot recall all the officers names as I was sedated and most of my attackers were behind me. I would need access to the log of who was involved and the video footage of the incident (Body cams & Booking Camera's)

I have been continuously denied the grievance process in this matter and others. The County of Oneida employs the individuals who assaulted me and are responsible for the correctional officers training and any and all behavior the CO's demonstrated

**COLLINS CORRECTIONAL FACILITY**

P.O. BOX 340

COLLINS, NEW YORK 14034-0340

NAME: Wayne Smith DIN: 24-B 3346

COLLINS

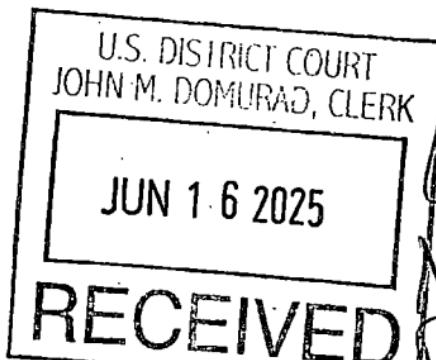
NEOPOST

06/11/2025

US POSTAGE

\$000.97<sup>0</sup>

CORRECTIONAL FACILITY

IMI  
ZIP 14034  
041M11455116

United States District Court  
Northern District of NY

P.O. Box 7367

100 S. Clinton St.

Syracuse NY 13261-7367  
15251336101 0061

13261-7367

15251336101 0061 (Legal Mail)